

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**EUGENIA CONGEMI,**

**Plaintiff,**

**- against -**

**WAL-MART STORES EAST, LP,**

**Defendant.**

**19 CV 8220 (NSR) (LMS)**

**ORDER**

**THE HONORABLE LISA MARGARET SMITH, U.S.M.J.<sup>1</sup>**

On February 20, 2020, I issued a scheduling notice for a status conference in this matter to take place on Thursday, March 5, 2020, at 10:00 a.m. ECF No. 11. The notice directed Defendant's counsel to notify Plaintiff's counsel of the date and time of the status conference because Plaintiff's counsel had failed to file a notice of appearance and therefore was not receiving Notices of Electronic Filings in this case. *Id.* My staff placed several phone calls to Plaintiff's counsel's firm notifying them that a notice of appearance on behalf of Plaintiff had not been filed in this case. In the process, my staff became aware that the phone number(s) listed in Plaintiff's state court filings are inaccurate. As a result, there was considerable difficulty reaching Plaintiff's counsel today when he failed to appear for the scheduled status conference. Defendant's counsel was present at the scheduled time. Eventually my staff was able to get a message to Plaintiff's counsel, who telephoned the court, by which time another matter was ready before the Court, so counsel was instructed to be available telephonically when the scheduled matter was complete. Efforts to reach counsel then were unsuccessful.

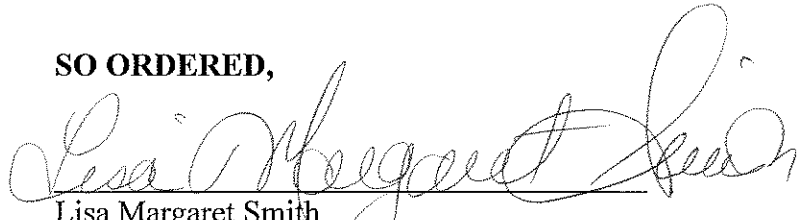
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<sup>1</sup> The Honorable Judge Nelson S. Román referred this matter to the undersigned on February 13, 2020. ECF No. 7.

Plaintiff's counsel in this matter, Mr. James Harris with the law firm Sobo & Sobo, L.L.P., is HEREBY ORDERED to pay Defendant's counsel for forty-five (45) minutes of his time for Plaintiff's counsel's failure to appear at this morning's status conference. This cost must not be passed down to the client. This sanction is payable to Defendant's counsel upon presentation of an invoice for counsel's time. FURTHERMORE, a monetary sanction of \$20.00 per **calendar** day will be imposed starting at 5:00 p.m. today, March 5, 2020, and will double each **calendar** day until Plaintiff's counsel files a notice of appearance in this matter. The notice of appearance must include a valid telephone number where counsel can be reached. The daily sanctions are payable to the Clerk of the Court, on a weekly basis, to begin on March 13, 2020, if necessary.

Dated: March 5, 2020  
White Plains, New York

**SO ORDERED,**



Lisa Margaret Smith  
United States Magistrate Judge  
Southern District of New York